



*City of El Paso – City Plan Commission Staff Report*

**REVISED**

**Case No:** SUSU17-00082 Montana Commons  
**Application Type:** Resubdivision Combination  
**CPC Hearing Date:** February 8, 2018  
**Staff Planner:** Rocio Alvarado, (915) 212-1612, [alvaradorp@elpasotexas.gov](mailto:alvaradorp@elpasotexas.gov)  
**Location:** North of Montana & East of Purple Heart  
  
**Acreage:** 120.022  
**Rep District:** 5  
**Existing Use:** Vacant  
**Existing Zoning:** C-4 (Commercial)  
**Proposed Zoning:** C-4 (Commercial)  
  
**Nearest Park:** Volcano Fire Park (.30 miles)  
**Nearest School:** El Dorado (.96 miles)  
**Park Fees Required:** See Capital Improvement Department – Parks and Recreation comments  
**Impact Fee Area:** N/A  
  
**Property Owners:** Justice Road Exchange LLC  
**Applicant:** Justice Road Exchange LLC  
**Representative:** SLI Engineering Inc

**SURROUNDING ZONING AND LAND USE**

**North:** ETJ (Extraterritorial Jurisdiction) & R-MU (Residential Mixed Used District)/ Vacant  
**South:** C-4/c (Commercial/condition)/ Commercial development  
**East:** C-4 (Commercial) & R-F (Ranch Farm)/ Residential development & El Paso County Sheriff's Department  
**West:** ETJ (Extraterritorial Jurisdiction)/ Vacant

**PLAN EL PASO DESIGNATION:** G2, Traditional Neighborhood (Walkable)

**APPLICATION DESCRIPTION**

The applicant proposes to ~~subdivide~~ **resubdivide** 120.22 acres of vacant land into 12 commercial lots. Access to the subdivision is proposed from Purple Heart, Montana Avenue and Justice Road. This subdivision is being reviewed under the current subdivision code.

### **EXCEPTIONS/MODIFICATIONS REQUESTED**

The applicant is requesting the following exceptions pursuant to Section 19.10.050.A:

- To waive the required 10' hike and bike along Montana Avenue.
- To waive the required 10' hike and bike along Purple Heart.

There is an existing bicycle lane within a ¼ mile of the subject property but no hike/bike paths.

### **DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends **denial**. The proposed development does not comply with Chapter 19.18 of the City Code as the TIA submitted has not been approved.

~~The Development Coordinating Committee's recommendation is pending due to TIA review.~~

### **Planning & Inspections Department- Planning Division**

The Development Coordinating Committee recommends **denial**. The proposed development does not comply with Chapter 19.18 of the City Code as the TIA submitted has not been approved.

~~Staff's recommendation is pending due to TIA review~~

### **TxDOT**

We believe that the landowner has full knowledge of potential ROW acquisition for the upcoming TxDOT project. We have attempted to meet with the landowner to understand their intent with this subdivision. To date, they have not met with TxDOT. Due to access issues, we do not understand how these would be viable lots. Until we have a better understanding of their intent, we have significant access concerns with the proposed subdivision and we are unable to determine the potential impact to the citizens of El Paso who use the adjacent roadways.

With the proper coordination prior to construction, TxDOT offers no objection to the hike and bike trail.

We appreciate the opportunity to comment on this plat. We are not in a position to agree. At this time, the City should proceed with what they consider to be compliant.

### **Planning and Inspections Department - Land Development**

We have reviewed subject plats and recommend Approval.

The Developer/Engineer shall address the following comments.

- No objections to proposed subdivision plat.

### **Capital Improvement Department- Parks and Recreation**

We have reviewed **Montana Commons**, a major combination plat map and on behalf of CID Parks & Planning Division we offer Developer / Engineer the following comments:

Please note that this subdivision is composed of 12 commercial parcels with a combined acreage of **120.022 acres** zoned "C-4" meeting the requirements for Non-residential uses (General commercial) as well as for Residential dwellings use (Multi-family) with a minimum lot area of 750 sq. ft. per dwelling therefore "Park fees" will be assessed based on the following:

1. **If** applicant is proposing a Non-residential use, covenants need to be provided restricting all residential uses and **if** gross density waiver is granted by the City Manager of the Planning

Department designee, then Applicant shall be required to pay "Park fees" at a rate of **\$1,000.00** per acre or portion thereof.

2. **If** applicant is proposing a Residential use, covenants need to be provided restricting the number of dwelling units and **if** gross density waiver is granted by the City Manager of the Planning Department designee, then Applicant shall be required to pay "Park fees" at a rate of **\$680.00** per dwelling unit.

Please allocate any generated funds under Park Zone: **E-7**

Nearest Park: **Volcano Fire Park**

**If** density/acreage is increased /decreased or the property zoning /use changes, then "Park fees" will be re-assessed based on applicable conditions.

### **El Paso Water**

1. Existing 30' PSB easement located north of and parallel to Montana shall be shown in the plat.
2. EPWater requires the dedication of a 30-foot easement along the entire Joe Battle Frontage.
3. EPWater requires a complete set of improvement plans, and grading plans for review and approval prior to any work pertaining to the portion of the property where the existing 30-foot PSB easement is located. This is required in order to ascertain that the proposed improvements and/or grading will not adversely affect the mains that extends along a portion of the easement. Also, the Developer shall minimize changes in grade above or near the vicinity of the existing facilities.

### **Water:**

4. There is an existing 16-inch diameter water main along Justice Road. This water main dead ends at the Diamond shamrock site, located north of the subject property. In addition, there is an existing 12-inch diameter water main along Justice Street that connects to the 16-inch water main described above. No direct service connections are allowed to this main as per the El Paso Water - Public Service Board Rules & Regulations.
5. There is an existing 48-inch diameter water main that extends along Joe Battle Blvd. No direct service connections are allowed to this water main in accordance with El Paso Water – Public Service Board Rules and Regulations.
6. A 12-inch diameter water main will be required to serve the project creating a looped system.

### **Sanitary Sewer:**

7. There is an existing 27-inch diameter sanitary sewer main that extends along Justice Street. This sewer main continues west along the 30-foot wide PSB easement for approximately 84-feet and then south across Montana Avenue. A sanitary sewer main extension within easements is required to serve the property. Owner/Developer is responsible for all extension costs.
8. There is an existing 12-inch sewer main on the southeast corner of the property that discharges into the 27-inch interceptor. Also, is an existing 12-inch diameter sewer main along Justice Street.

### **General:**

9. Montana Ave. and Joe Battle Blvd. are a Texas Department of Transportation (TxDOT) right-of-

way. All proposed water and sanitary sewer work to be performed within Montana Ave. and Joe Battle Blvd. right-of-way requires written permission from TxDOT.

10. During the site improvement work, the Owner/Developer shall safeguard all existing water mains, sewer mains, and appurtenant structures. The Owner/Developer shall minimize changes in grade above or near the vicinity of the existing PSB easements facilities and is responsible for the cost of setting appurtenant structures to final grade.
11. No building, reservoir, structure, parking stalls, oil/diesel tanks or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easement without the written consent of EPWU-PSB. The Owner shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWU maintenance vehicles. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.
12. Application for water and sanitary sewer services are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

#### **Street and Maintenance Department**

Pending comments.

#### **Central Appraisal District**

No objections.

#### **Sun Metro**

Sun Metro does not oppose this request.

Montana Brio will be providing inbound and outbound service along Montana beginning early 2020. An inbound Brio station is proposed on Justice, south of Montana. An outbound Brio station is proposed on Montana, east of Justice.

Sun Metro will have intermittent lane closures along Montana for the duration of the Montana Brio construction project.

#### **El Paso Electric Company**

No comments received.

#### **El Paso County 911 District**

- Remove the Joe Battle Blvd from the plat or will Joe Battle Blvd be extended north of Montana?
- Loop 375 and Joe Battle are not the same road. Please revise.

**Fire Department**

No comments received.

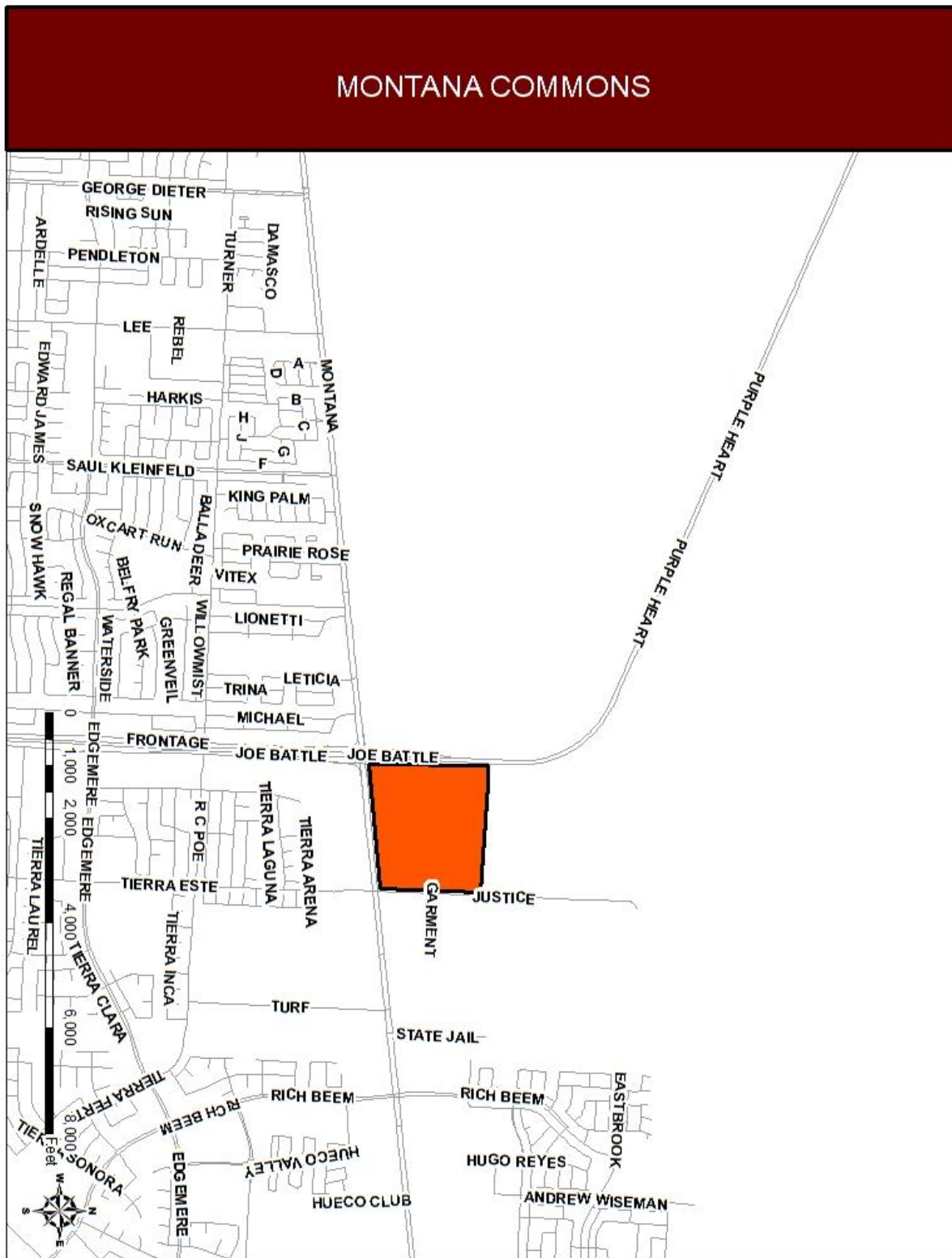
**Additional Requirements and General Comments:**

1. Submit to the Planning and Inspections Department – Planning Division the following prior to recording of the subdivision.
  - a. Current certified tax certificate(s)
  - b. Current proof of ownership
  - c. Release of access document, if applicable
  - d. Set of restrictive covenants, if applicable
2. Every subdivision shall provide for postal delivery service. The subdivider shall coordinate the installation and construction with the United States Postal Service in determining the type of delivery service for the proposed subdivision. In all cases, the type and location of delivery service shall be subject to the approval of the United States Postal Service.

**Attachments**

1. Location map
2. Aerial map
3. Preliminary plat
4. Final plat
5. Exception request
6. Bicycle buffer
7. Application

## ATTACHMENT 1





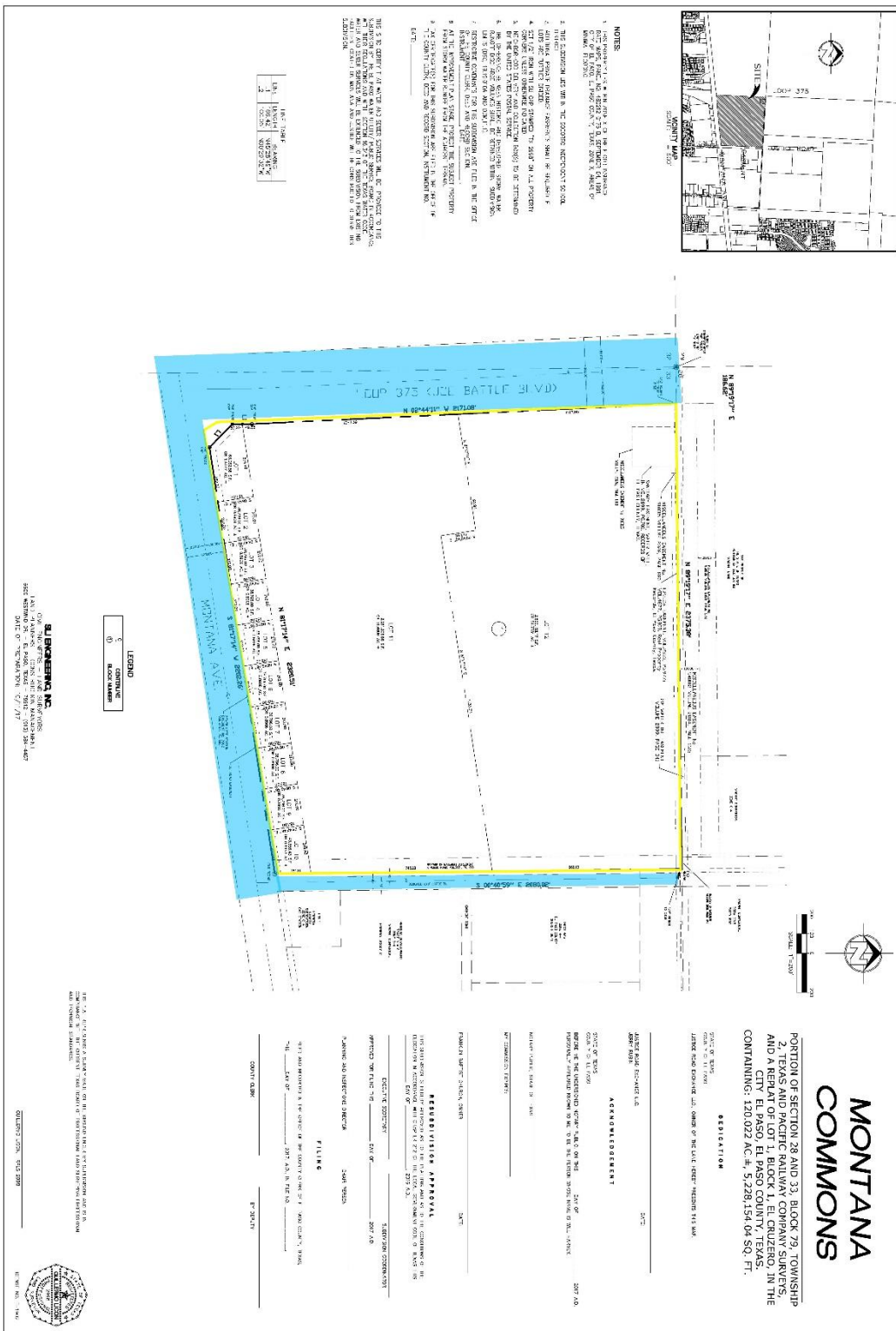
## ATTACHMENT 2







SUSU17- 00082



## **ATTACHMENT 5**



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September 8, 2017

Guillermo Licón, P.E.  
President

Nelson Ortiz  
Planning Division  
City of El Paso  
711 Texas Street  
El Paso Texas

Dear Mr. Ortiz

**Subject: Montana Commons waiver request.**

Justice Exchange LLC. cordially requests a waiver for Code No. 19.10.050 - Roadway participation policies—Improvement of roads and utilities within and or abutting the subdivision of the Municipal Code

The purpose of these waivers is as follows:

- **Code No. 19.10.050 -Improvement of roads and utilities within and or abutting the subdivision to eliminate the following conditions:**

The construction of any improvements on Montana and on Loop 375 This condition was requested by your office as a comment on the subdivision listed above. TXDOT will be reconstructing Montana as well as Loop 375 beginning 2018. The new configuration will include sidewalks, ramps and other improvement that are completely different than the requirements stated in the "5 day review" comments. Building these improvements will be a wasted effort since TXDOT will have to demolish and rebuild again. Therefore, we cordially request a waiver to keep allow the developer to leave the configuration of the street as it exists today.

TXDOT will be constructing these improvements starting 2018-2019.

This configuration will not be detrimental to the public health, safety and welfare and will be in character with the neighborhood.

Civil Engineers  
Land Surveyors & Planners  
Construction Management

Licensed Registered Engineers  
Texas - New Mexico  
Arizona - Colorado

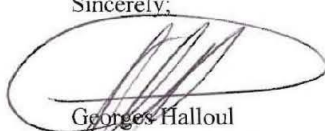
6600 Westwind Drive  
El Paso, TX 79912  
Phone (915) 584-4457  
Fax (915) 581-7756



Thank you in advance for your consideration. Please let me know if you have any questions.

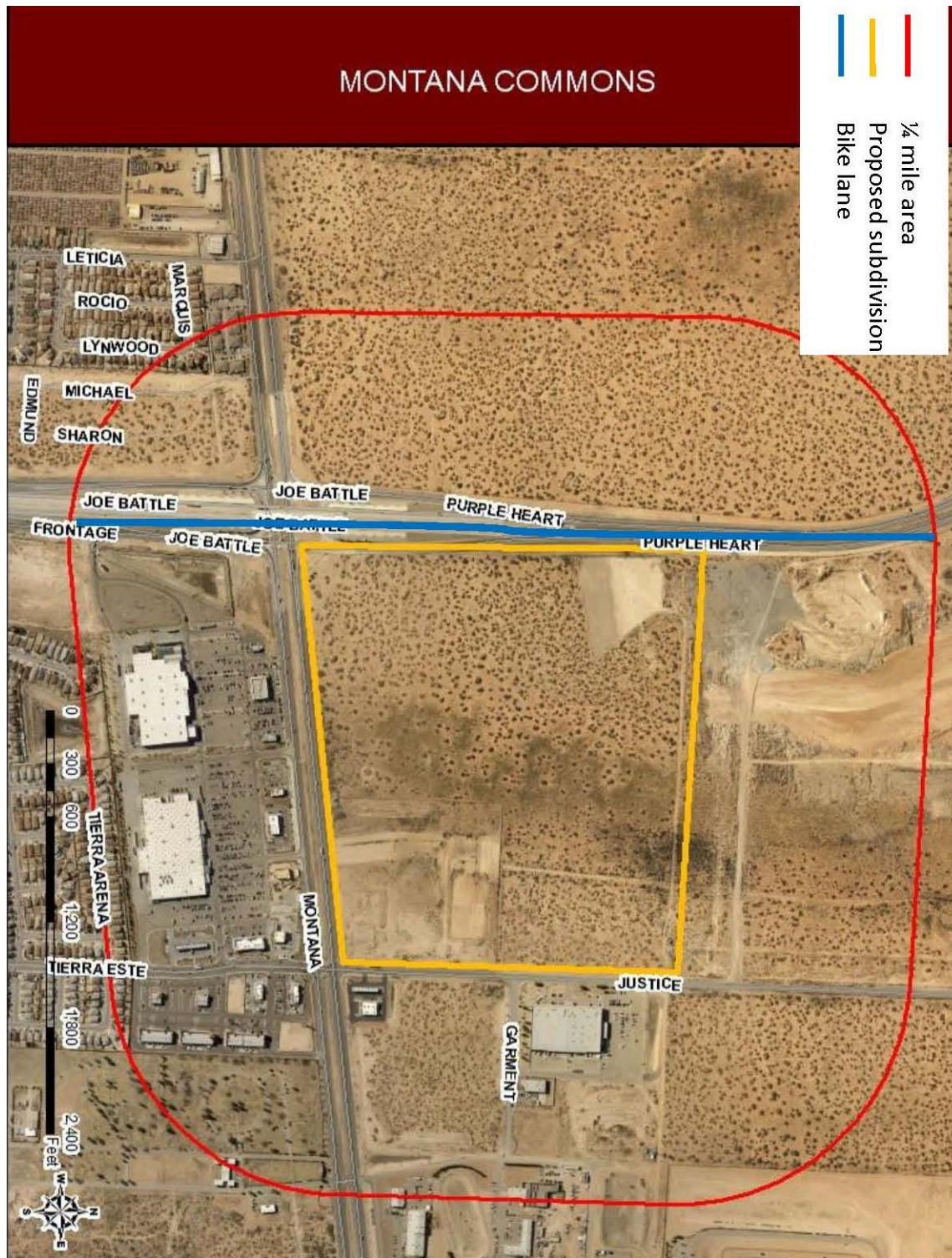
Thank you for your assistance.

Sincerely;



Georges Halloul  
SLI Engineering, Inc.

## ATTACHMENT 6





## ATTACHMENT 7

SUSU17-00082



### CITY PLAN COMMISSION APPLICATION FOR RESUBDIVISION COMBINATION SUBDIVISION APPROVAL

DATE: 10-10-2017

FILE NO. \_\_\_\_\_

SUBDIVISION NAME: Montana Commons

1. Legal description for the area included on this plat (Tract, Block, Grant, etc.)  
Portion of section 28 and 33, Block 79, Township 2, Texas and Pacific Railway Company Surveys, and a replat of Lots 1, 2, 3 and 4, Block 1, El Cruzero, El Paso El Paso County Texas

Property Land Uses:		ACRES	SITES		ACRES	SITES
Single-family		_____	_____	Office	_____	_____
Duplex		_____	_____	Street & Alley	_____	_____
Apartment		_____	_____	Ponding & Drainage	_____	_____
Mobile Home		_____	_____	Institutional	_____	_____
P.U.D.		_____	_____	Other (specify below)	_____	_____
Park		_____	_____		_____	_____
School		_____	_____	Total No. Sites	_____	_____
Commercial		<u>120.022</u>	<u>1</u>	Total (Gross) Acreage	<u>120.022</u>	_____
Industrial		_____	_____			

3. What is existing zoning of the above described property? C-4 Proposed zoning? same
4. Will the residential sites, as proposed, permit development in full compliance with all zoning requirements of the existing residential zone(s)? Yes \_\_\_\_\_ No \_\_\_\_\_ N/A
5. What type of utility easements are proposed: Underground \_\_\_\_\_ Overhead \_\_\_\_\_ Combination of Both X
6. What type of drainage is proposed? (If applicable, list more than one)  
On Site Ponding
7. Are special public improvements proposed in connection with development? Yes \_\_\_\_\_ No X
8. Is a modification or exception of any portion of the Subdivision Ordinance proposed? Yes X No \_\_\_\_\_  
If answer is "Yes", please explain the nature of the modification or exception  
Waiver to submit improvement plans and a TIA
9. Remarks and/or explanation of special circumstances:  
TXDOT Plans to modify the cross section of Montana and Loop 375
10. Improvement Plans submitted? Yes \_\_\_\_\_ No X
11. Will the proposed subdivision require the city to review and decide whether this application is subject to the standards in effect prior to the effective date of the current applicable standards? Yes \_\_\_\_\_ No X

If yes, please submit a vested rights petition in accordance with Title I (General Provisions) Chapter 1.04 - Vested Rights

City Development Department  
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085



12. Owner of record Justice Road Exchange LLC. 106 Mesa Park Drive 79912 915 225 5700  
(Name & Address) (Zip) (Phone)
13. Developer Same  
(Name & Address) (Zip) (Phone)
14. Engineer SLI Engineering, Inc. 6600 Westwind Dr. 79912 915 584 4457  
(Name & Address) (Zip) (Phone)

*\*Effective September 1, 2014, a 3%  
technology fee has been added to all  
Planning application fees.*

*1,182.44*

OWNER SIGNATURE

REPRESENTATIVE

NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.

City Development Department  
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085